

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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Robert Floyd Phillips,

Plaintiff,

vs.

ORDER ADOPTING
REPORT AND RECOMMENDATION

Commissioner Joan Fabian, Warden
David Crist and Triad Chemical
Dependency Program,

Defendants.

Civ. No. 05-2450 (MJD/RLE)

* * * * *

Based upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-titled matter, **IT IS ORDERED:**

1. That the Plaintiff's Complaint [Docket No. 1] is dismissed, but without prejudice, for failure to comply with this Court's Order dated October 24, 2005, and for failure to prosecute.
2. That the Plaintiff's Application to proceed in forma pauperis [Docket No. 2] is denied, as moot.

Dated: March 16, 2006

s / Michael J. Davis
Michael J. Davis, Judge
United States District Court